

TRAVIS J. ILES
SECURITIES COMMISSIONER

CLINTON EDGAR
DEPUTY SECURITIES COMMISSIONER

Mail: P.O. BOX 13167
AUSTIN, TEXAS 78711-3167

Phone: (512) 305-8300
Facsimile: (512) 305-8310



Texas State Securities Board

208 E. 10th Street, 5th Floor
Austin, Texas 78701-2407
www.ssb.texas.gov

E. WALLY KINNEY
CHAIR

MIGUEL ROMANO, JR.
MEMBER

KENNY KONCABA
MEMBER

ROBERT BELT
MEMBER

MELISSA TYROCH
MEMBER

June 15, 2020

Via certified mail #7004 2510 0000 6108 3913

MuckRock News
DEPT MR 70099
411A Highland Ave
Somerville, MA 02144-2516

To whom it may concern:

The Agency received the attached fax requesting information on June 8th. On June 8th an email (also attached) was sent to the requestor asking the requestor to clarify the request for information.

Section 552.222 of the Texas Government Code provides that a request for information is considered withdrawn if the requestor does not respond in writing to a governmental body's written request for clarification or additional information within 61 days.

You can contact me by email at gc@ssb.texas.gov to provide the clarifications or reach me at 512-305-8304.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Marlene Sparkman", with a long horizontal line extending to the right.

Marlene Sparkman
General Counsel

/ms
Attachments

inquiry

Marlene Sparkman <msparkman@ssb.texas.gov>

Mon 6/8/2020 2:50 PM

To: 7009-29411305@requests.muckrock.com <7009-29411305@requests.muckrock.com>

 1 attachments (1 MB)

20-060820_muckrockfax.pdf;

We received the attached fax requesting information. The Public Information Act provides that a governmental body may ask a requestor to clarify a request for information if the request is unclear. Gov't Code Section 552.222(b).

Your request is not clear. If you are following up on the status of your February 28, 2019 request, that was completed when the emails were forwarded to you via email in the March 4, 2019 email you included in your fax.

Or did you want to submit the same request again to see if we have any additional information that is responsive?

If that was your intent, we have the same question as with the first request - is it intended to include/cover incoming emails received by Agency personnel from news publishers or subscription service providers which are sent (via blast emails) to persons who have signed up for or subscribed to those notices?

Also, would you clarify that, if this is a subsequent request, it can be limited to emails created or received after March 4, 2019, the date the response was provided for the previous request?

Please make these clarifications so that we may process your request. If you would like to discuss your request by phone, please provide a me with a telephone number and convenient time to call.

Thank you,

Marlene Sparkman
General Counsel
Texas State Securities Board
PO Box 13167
Austin, Texas 78711-3167
msparkman@ssb.texas.gov
512-305-8304

1020-06-08 05:06 EDT RE: Texas Public Information Act Request: Ang

+12568343688

PAGE 1/4

Texas State Securities Board
Texas Public Information Act Office
General Counsel, Texas State Securities Board
P. O. Box 13167
Austin, TX 78711

June 8, 2020

This is a follow up to a previous request:

To Whom It May Concern:

I'm following up on the following Texas Public Information Act request, copied below and originally submitted on Feb. 28, 2019. You had previously indicated that request, and to see if there was a new estimated completion date.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com

E-mail (Preferred): 70099-29411305@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News
DEPT MR 70099
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On March 31, 2020:

Subject: Texas State Securities Board wants your opinion

For those of you who have not yet shared your opinions with the Texas State Securities Board, the deadline for doing so has been extended to Friday April 17, 2020.

So, if you have not already done so, please provide us with your input by going to https://www.surveymonkey.com/r/?sm=IW46EZvQ4f50iDCa7ouJ0g_3D_3D. Please answer all four demographic questions on the first page before proceeding to the survey questions on the next screen.

If you have any questions, or if you would prefer to receive a print version of the survey, please contact: gc@ssb.texas.gov.

Thank you for your time and consideration.

Opt out:

https://www.surveymonkey.com/user/email-opt-out/?sm=IW46EZvQ4f50iDCa7ouJ0g_3D_3D

Privacy.

2020-06-08 05:06 EDT RE: Texas Public Information Act Request: Ang

+12568343688

PAGE 2/4

<https://www.surveymonkey.com/mp/legal/privacy-basics/>

Powered by SurveyMonkey

On March 4, 2019:

Subject: RE: Texas Public Information Act Request: Angela Paxton/SB 860

Dear Ms. Farkus, I have attached the emails that are responsive to your request as clarified by your email below.

I have only included one copy of duplicate emails that were sent by an Agency employee to another Agency employee.

I have also included only one copy of the external email from Mr. Fahy (a member of the public), which was sent to two Agency employees, since the copies are identical.

Please note that Section 552.137(a) of the Public Information Act provides that an email address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under this Chapter. The Texas Attorney General issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold an email address of a member of the public without the necessity of requesting an attorney general decision.

Therefore we have redacted from the attached emails all email addresses of members of the public, that are subject to Section 552.137(a).

Sincerely, Cheryn Netz

Cheryn L. Netz
Assistant General Counsel
Texas State Securities Board
208 East 10th Street, 5th Floor (78701)
PO Box 13167
Austin Texas 78711-3167
cnetz@ssb.texas.gov<mailto:cnetz@ssb.texas.gov>
512-305-8303

On March 1, 2019:

Subject: RE: Texas Public Information Act Request: Angela Paxton/SB 860

Hello Cheryn,

Thank you so much for your response. To clarify things, my request does not include any incoming emails from news publishers/subscription service providers.

If you need further clarification, please let me know!

Thanks, --
Mackenzie Farkus

On March 1, 2019:

Subject: FW: Texas Public Information Act Request: Angela Paxton/SB 860

Ms. Farkus, we are in receipt of your Public Information Act request, dated February 28, 2019, and are in the early stages of processing it.

The Public Information Act provides that a governmental body may ask a requestor to clarify a request for information if the request is unclear. Gov't Code Section 552.222(b).

2020-06-08 05:06 EDT RE: Texas Public Information Act Request: Ang

+12568343688

PAGE 3/4

Your request is not clear as to whether it is intended to include/cover incoming emails received by Agency personnel from news publishers or subscription service providers which they send (via blast emails) to persons who have signed up for or subscribed to these notices.

Please clarify your request so that we may process your request. If you would like to discuss your request by phone, please call me at 512-305-8303.

Cheryn L. Netz
Assistant General Counsel
Texas State Securities Board
208 East 10th Street, 5th Floor (78701)
PO Box 13167
Austin Texas 78711-3167
cnetz@ssb.texas.gov<mailto:cnetz@ssb.texas.gov>
512-305-8303

On Feb. 28, 2019:

Subject: Texas Public Information Act Request: Angela Paxton/SB 860

To Whom It May Concern:

Pursuant to the Texas Public Information Act, I hereby request the following records:

All emails containing the keywords "Angela Paxton" and "SB 860" from January 8, 2019 onwards.

I am a member of the media and request designation as such. My work has appeared in MuckRock News among other publications.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

Mackenzie Farkus

Filed via MuckRock.com
E-mail (Preferred): 70099-29411305@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 70099
411A Highland Ave
Somerville, MA 02144-2516

2020-06-08 05:06 EDT RE: Texas Public Information Act Request: Ang

+12568343688 PAGE 4/4

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.